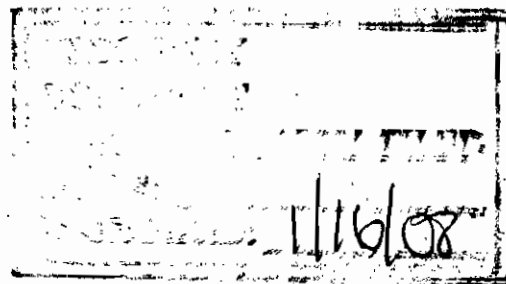


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
LIZABETH J. AUGUSTINE,

Plaintiff,

- against -

AXA FINANCIAL, INC. d/b/a
AXA EQUITABLE LIFE INSURANCE CO.

Defendant.
----- X

ECF CASE

Case No. 07 Civ. 8362 (RWS)(DFE)

JOINT RULE 26(f) REPORT
AND PROPOSED JOINT
DISCOVERY PLAN

The parties file this joint report pursuant to Fed. R. Civ. P. 26(f):

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties conferred by telephone to conduct a Planning Meeting on January 3, 2008. Betsy Silverstine, Esq. of The Roth Law Firm, PLLC attended for Plaintiffs. Dorothy Rosensweig, Esq. and Anna A. Cohen, Esq. of the law firm of Epstein Becker & Green P.C. attended for Defendants.
2. Pursuant to the Court's November 28, 2007 Order, the parties discussed the nature and basis for their claims and defenses, the possibility of settlement, pre-trial discovery issues and discovery plan, exchange of initial disclosures and discovery requests served by Defendant.
3. The parties stipulate and agree, subject to the Court's approval, to the following deadlines:

<u>Date</u>	<u>Activity</u>
January 9, 2008	Service of automatic disclosures pursuant to Fed. R. Civ. P. 26(a)
February 15, 2008	Deadline for motions to amend pleadings including joinder of additional parties
Plaintiff must serve requests on Defendant by February 15, 2008.	Date for service of initial document production demands and interrogatory requests
August 31, 2008	Discovery closes
October 31, 2008	Deadline for filing any motion for summary judgment
October 31, 2008 (if no motion for summary judgment; if motion for summary judgment, 30 days after decision on motion)	Date for the submission of the pre-trial order
	Trial Date

4. The parties also discussed the subjects on which they believe they may require discovery and the arrangements for such discovery:

a. Plaintiffs anticipate that they will require discovery concerning, among other things, policies and procedures relevant to this lawsuit, including, but not limited to, Plaintiff's job performance and history, FMLA policies and procedures and documents regarding the "Reorganization Justification Document" and elimination of Plaintiff's position.

b. Defendants anticipate that they will require discovery concerning, among other things, Plaintiff's work performance, attendance, schedule, FMLA and other time off requested and taken and reasons therefore and Plaintiff's daughter's medical condition.

c. Due to the confidential nature of certain documents and information that are likely to be the subject of the parties' respective discovery requests, the

parties agree that discovery and inspection of such confidential documents and information will be permitted upon the "So Ordering" of a Confidentiality Stipulation.

5. The parties agree that nothing herein constitutes a waiver of any kind, including as to a party's right to propound discovery not described herein, and as to any objection to any discovery described herein.

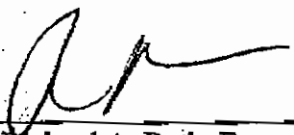
6. The parties agree that discovery demands must be served at least thirty (30) days in advance of the discovery completion date to support a request for court intervention. Any motion for court intervention relating to discovery must be filed at least twenty (20) days prior to discovery completion.

7. The parties agree that any request for modification of a scheduling order must be filed and served prior to the discovery completion date. A scheduling order will be modified by the Court only upon a showing of good cause. Fed. R. Civ. P. 16(b).

8. The parties agree that service of documents by overnight mail is effective service and is complete upon mailing.

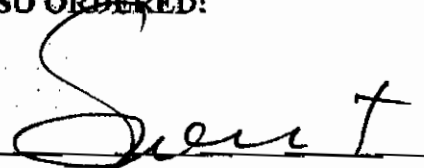
Dated: January 9, 2008

THE ROTH LAW FIRM, PLLC

By 
Richard A. Roth, Esq.

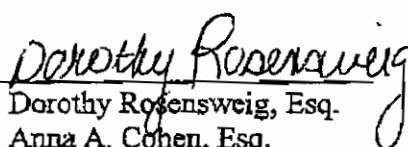
545 Fifth Avenue, Suite 960
New York, NY 10017
(212) 542-8882
rich@rothlaw.com
Attorneys for Plaintiff

SO ORDERED:


Hon. Robert W. Sweet, U. S. D. J.

1.14.08

EPSTEIN BECKER & GREEN, P.C.

By 
Dorothy Rosensweig, Esq.
Anna A. Cohen, Esq.

250 Park Avenue
New York, NY 10117
(212) 351-4500
drosensweig@ebglaw.com
acohen@ebglaw.com
Attorneys for Defendant